

SENATE JUDICIARY

EXHIBIT NO. 1

DATE 4/1/09

FILE NO. SB79

SENATE BILL NO. 79

INTRODUCED BY C. JUNEAU

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM
COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING ~~NONEMERGENCY~~ AMBULANCE
TRANSPORT ~~AND~~ "NONEMERGENCY AMBULANCE TRANSPORT" AND
"VOLUNTEER EMERGENCY MEDICAL TECHNICIAN"; ESTABLISHING STAFFING
REQUIREMENTS FOR ~~NONEMERGENCY~~ AND CERTAIN EMERGENCY AMBULANCE
TRANSPORTS; AMENDING SECTION 50-6-302, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-6-302, MCA, is amended to read:

"50-6-302. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Aircraft" has the same meaning given in 67-1-101. The term includes any fixed-wing airplane or helicopter.

(2) (a) "Ambulance" means a privately or publicly owned motor vehicle or aircraft that is maintained and used for the transportation of patients.

(b) The term does not include:

(i) a motor vehicle or aircraft owned by or operated under the direct control of the United States; or

(ii) air transportation services, such as charter or fixed-based operators, that are regulated by the federal aviation administration and that offer no special medical services or provide only transportation to patients or persons at the direction or under the supervision of an independent physician.

(3) "Department" means the department of public health and human services provided for in 2-15-2201.

(4) "Emergency medical service" means a prehospital or interhospital emergency medical transportation or treatment service provided by an ambulance or nontransporting medical unit.

(5) "Medical control" means the function of a licensed physician in providing direction, advice, or orders to an emergency medical service provider.

(6) "Nonemergency ambulance transport" means the use of an ambulance to transport a patient between health care facilities, as defined in 50-5-101, INCLUDING FEDERAL FACILITIES, when the patient's medical condition requires special transportation considerations, supervision, or handling but does not indicate a need for medical treatment during transit or for emergency medical treatment upon arrival at the receiving health care facility.

~~(6)~~(7) "Nontransporting medical unit" means an aggregate of persons who are organized to respond to a call for emergency medical service and to treat a patient until the arrival of an ambulance. Nontransporting medical units provide any one of varying types and levels of service defined by department rule but may not transport patients.

~~(7)~~(8) "Offline medical director" means a physician who is responsible and accountable for the overall medical direction and medical supervision of an emergency medical service and who is responsible for the proper application of patient care techniques and the quality of care provided by the emergency medical services personnel. The term includes only a physician who volunteers the physician's services as an offline medical director or whose total reimbursement for those services in any 12-month period does not exceed \$5,000.

~~(8)~~(9) (a) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.

(b) The term does not include an individual who is nonambulatory and who needs transportation assistance solely because that individual is confined to a wheelchair as the individual's usual means of mobility.

~~(9)~~(10) "Person" means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including a governmental agency other than the United States.

(11) "VOLUNTEER EMERGENCY MEDICAL TECHNICIAN" MEANS AN INDIVIDUAL WHO IS LICENSED PURSUANT TO TITLE 50, CHAPTER 6, PART 2, AND PROVIDES EMERGENCY MEDICAL CARE:

(A) ON THE DAYS AND AT THE TIMES OF THE DAY CHOSEN BY THE INDIVIDUAL; AND

(B) FOR AN EMERGENCY MEDICAL SERVICE OTHER THAN:

(I) A PRIVATE AMBULANCE COMPANY, UNLESS THE CARE IS PROVIDED WITHOUT COMPENSATION AND OUTSIDE OF THE INDIVIDUAL'S REGULAR WORK SCHEDULE; OR

(II) A PRIVATE BUSINESS OR A PUBLIC AGENCY, AS DEFINED IN 7-1-4121, THAT EMPLOYS THE INDIVIDUAL ON A REGULAR BASIS WITH A REGULAR, HOURLY WAGE TO PROVIDE EMERGENCY MEDICAL CARE AS PART OF THE INDIVIDUAL'S JOB DUTIES."

NEW SECTION. Section 2. Staffing -- nonemergency ambulance transports -- transports in rural areas. An emergency medical service THAT IS STAFFED PRIMARILY BY VOLUNTEER EMERGENCY MEDICAL TECHNICIANS may staff an ambulance with one emergency medical technician licensed at an emergency medical technician-basic level or higher and one driver trained in the operation of emergency vehicles for the following types of responses:

(1) nonemergency ambulance transports; and

(2) emergency medical service provided by an ambulance company located in a county with a population of fewer than 20,000 residents; AND

(3) EMERGENCY MEDICAL SERVICE PROVIDED BY AN AMBULANCE COMPANY LOCATED IN A COUNTY WITH A POPULATION OF 20,000 RESIDENTS OR MORE IF THE AMBULANCE COMPANY IS TRANSPORTING A PATIENT FROM A COMMUNITY WITHIN THAT COUNTY THAT HAS A POPULATION OF 1,500 RESIDENTS OR LESS TO THE NEAREST HEALTH CARE FACILITY IN THAT COUNTY THAT IS ABLE TO MEET THE PATIENT'S MEDICAL NEEDS.

NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 50, chapter 6, part 3, and the provisions of Title 50, chapter 6, apply to [section 2].

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
- END -